

General Assembly

Raised Bill No. 5926

February Session, 2008

LCO No. 3333

03333____JUD

Referred to Committee on Judiciary

Introduced by: (JUD)

AN ACT CONCERNING FAMILIES WITH SERVICE NEEDS, CERTIFICATES OF BIRTH RESULTING IN STILLBIRTH, REENTRY AND DIVERSIONARY SERVICES FOR YOUTH, AND DRUG COURTS FOR YOUTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. Section 46b-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):
- 3 (a) Notwithstanding any provision of this chapter: (1) No child 4 [whose family] who has been adjudicated as a child from a family with 5 service needs in accordance with section 46b-149 of the 2008 6 supplement to the general statutes, as amended by this act, may be processed or held in a juvenile detention center as a delinquent child, 8 or be convicted as delinquent, solely for the violation of a valid order 9 which regulates future conduct of the child that was issued by the 10 court following such an adjudication; and (2) no such child who is 11 found to be in violation of any such order may be punished for such 12 violation by [commitment to] placement in any juvenile detention 13 center.
- 14 (b) In entering any order that directs or authorizes placement or

- commitment of a child [whose family] who has been adjudicated as a
- 16 <u>child from a family with service needs in accordance with section 46b-</u>
- 17 149 of the 2008 supplement to the general statutes, as amended by this
- act, the court shall make a determination that there is no less restrictive
- 19 alternative appropriate to the needs of such child and the community.
- Sec. 2. Section 46b-149 of the 2008 supplement to the general statutes
- 21 is repealed and the following is substituted in lieu thereof (Effective
- 22 October 1, 2008):

venue over the matter.

- 23 (a) Any selectman, town manager, police officer or welfare 24 department of any town, city or borough, any probation officer or 25 superintendent of schools, the Commissioner of Children and Families, 26 any child-caring institution or agency approved or licensed by the 27 Commissioner of Children and Families, any youth service bureau, a 28 parent or foster parent of a child, or a child or the child's representative 29 or attorney, who believes that the acts or omissions of a child are such 30 that the child's family is a family with service needs, may file a written complaint setting forth those facts with the Superior Court which has 31
- 33 (b) The court shall refer a complaint filed under subsection (a) of 34 this section to a probation officer, who shall promptly determine 35 whether it appears that the alleged facts, if true, would be sufficient to 36 meet the definition of a family with service needs, provided a 37 complaint alleging that a child is a truant or habitual truant shall not 38 be determined to be insufficient to meet the definition of a family with 39 service needs solely because it was filed during the months of April, 40 May or June. If such probation officer so determines, the probation 41 officer shall, after an initial assessment, promptly refer the child and 42 the child's family to a suitable community-based program or other 43 service provider, or to a family support center as provided in section 44 46b-149e of the 2008 supplement to the general statutes, for voluntary 45 services. If the child and the child's family are referred to a 46 community-based program or other service provider and the person in

charge of such program or provider determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who shall, after an appropriate assessment, either refer the child and the child's family to a family support center for additional services or determine whether or not to file a petition with the court under subsection (c) of this section. If the child and the child's family are referred to a family support center and the person in charge of the family support center determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who may file a petition with the court in the manner prescribed in subsection (c) of this section. The probation officer shall inform the complainant in writing of the probation officer's action under this subsection. If it appears that the allegations are not true, or that the child's family does not meet the definition of a family with service needs, the probation officer shall inform the complainant in writing of such finding.

- (c) A petition alleging that a [family constitutes] <u>child is from</u> a family with service needs shall be verified and filed with the Superior Court which has venue over the matter. The petition shall set forth plainly: (1) The facts which bring the child within the jurisdiction of the court; (2) the name, date of birth, sex and residence of the child; (3) the name and residence of the child's parent or parents, guardian or other person having control of the child; and (4) a prayer for appropriate action by the court in conformity with the provisions of this section.
- (d) When a petition is filed under subsection (c) of this section, the court may issue a summons to the child and the child's parents, guardian or other person having control of the child to appear in court at a specified time and place. The summons shall be signed by a judge or by the clerk or assistant clerk of the court, and a copy of the petition shall be attached to it. Whenever it appears to the judge that orders addressed to an adult, as set forth in section 46b-121 of the 2008 supplement to the general statutes, are necessary for the welfare of

such child, a similar summons shall be issued and served upon such adult if he or she is not already in court. Service of summons shall be made in accordance with section 46b-128. The court may punish for contempt, as provided in section 46b-121 of the 2008 supplement to the general statutes, any parent, guardian or other person so summoned who fails to appear in court at the time and place so specified. If a petition is filed under subsection (c) of this section alleging that a [family is] child is from a family with service needs because a child is a truant or habitual truant, the court may not dismiss such petition solely because it was filed during the months of April, May or June.

- (e) When a petition is filed under subsection (c) of this section alleging that a [family constitutes] <u>child is from</u> a family with service needs because [it includes a] <u>such</u> child [who] has been habitually truant, the court shall order that the local or regional board of education for the town in which the child resides, or the private school in the case of a child enrolled in a private school, shall cause an educational evaluation of such child to be performed if no such evaluation has been performed within the preceding year. Any costs incurred for the performance of such evaluation shall be borne by such local or regional board of education or such private school.
- (f) If it appears from the allegations of a petition or other sworn affirmations that there is: (1) A strong probability that the child may do something that is injurious to himself prior to court disposition; (2) a strong probability that the child will run away prior to the hearing; or (3) a need to hold the child for another jurisdiction, a judge may vest temporary custody of such child in some suitable person or agency. No nondelinquent juvenile runaway from another state may be held in a state-operated detention home in accordance with the provisions of sections 46b-151 to 46b-151g, inclusive, Interstate Compact on Juveniles. A hearing on temporary custody shall be held not later than ten days after the date on which a judge signs an order of temporary custody. Following such hearing, the judge may order that the child's temporary custody continue to be vested in some suitable person or

- agency. Any expenses of temporary custody shall be paid in the same manner as provided in subsection (b) of section 46b-129 of the 2008 supplement to the general statutes.
 - (g) If a petition is filed under subsection (c) of this section and it appears that the interests of the child or the family may be best served, prior to adjudication, by a referral to community-based or other services, the judge may permit the matter to be continued for a reasonable period of time not to exceed six months, which time period may be extended by an additional three months for cause. If it appears at the conclusion of the continuance that the matter has been satisfactorily resolved, the judge may dismiss the petition.
 - (h) If the court finds, based on clear and convincing evidence, that [the family of] a child is from a family with service needs, the court may, in addition to issuing any orders under section 46b-121 of the 2008 supplement to the general statutes: (1) Refer the child to the Department of Children and Families for any voluntary services provided by said department or, if the family is a family with service needs solely as a result of a finding that a child is a truant or habitual truant, to the authorities of the local or regional school district or private school for services provided by such school district or such school, which services may include summer school, or to community agencies providing child and family services; (2) order the child to remain in the child's own home or in the custody of a relative or any other suitable person (A) subject to the supervision of a probation officer, or (B) in the case of a family which is a family with service needs solely as a result of a finding that a child is a truant or habitual truant, subject to the supervision of a probation officer and the authorities of the local or regional school district or private school; (3) if the [family is] child is from a family with service needs as a result of the child engaging in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child, (A) refer the child to a youth service bureau or other appropriate service agency for participation in

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a program such as a teen pregnancy program or a sexually transmitted disease program, and (B) require such child to perform community service such as service in a hospital, an AIDS prevention program or an obstetrical and gynecological program; or (4) upon a finding that there is no less restrictive alternative, commit the child to the care and custody of the Commissioner of Children and Families for an indefinite period not to exceed eighteen months. The child shall be entitled to representation by counsel and an evidentiary hearing. If the court issues any order which regulates future conduct of the child, parent or guardian, the child, parent or guardian, shall receive adequate and fair warning of the consequences of violation of the order at the time it is issued, and such warning shall be provided to the child, parent or guardian, to his or her attorney and to his or her legal guardian in writing and shall be reflected in the court record and proceedings.

(i) At any time during the period of supervision, after hearing and for good cause shown, the court may modify or enlarge the conditions, whether originally imposed by the court under this section or otherwise, as deemed appropriate by the court. The court shall cause a copy of any such orders to be delivered to the child and to such child's parent or guardian and probation officer.

[(i)] (j) (1) The Commissioner of Children and Families may [petition the court] <u>file a motion</u> for an extension of a commitment under this section on the grounds that an extension would be in the best interest of the child. The court shall give notice to the child and the child's parent or guardian at least fourteen days prior to the hearing upon such [petition] <u>motion</u>. The court may, after hearing and upon finding that such extension is in the best interest of the child and that there is no suitable less restrictive alternative, continue the commitment for an additional indefinite period of not more than eighteen months. (2) The Commissioner of Children and Families may at any time [petition the court] <u>file a motion</u> to discharge a child committed under this section, or the

179 parent or guardian of such child, may at any time but not more often 180 than once every six months [petition the court which committed the 181 child file a motion to revoke such commitment. The court shall notify 182 the child, the child's parent or guardian and the commissioner of any Ipetition motion filed under this subsection, and of the time when a 183 184 hearing on such [petition] motion will be held. Any order of the court 185 made under this subsection shall be deemed a final order for purposes 186 of appeal, except that no bond shall be required and no costs shall be 187 taxed on such appeal. (3) Not later than twelve months after a child is committed to the Commissioner of Children and Families in 188 189 accordance with subdivision (4) of subsection (h) of this section or 190 section 46b-149f of the 2008 supplement to the general statutes, the 191 court shall hold a permanency hearing in accordance with subsection (k) of this section. After the initial permanency hearing, subsequent 192 193 permanency hearings shall be held at least once every twelve months 194 while the child remains committed to the Commissioner of Children 195 and Families.

(k) At least sixty days prior to each permanency hearing required under subsection (i) of this section, the Commissioner of Children and Families shall file a permanency plan with the court. At each permanency hearing, the court shall review and approve a permanency plan that is in the best interests of the child and takes into consideration the child's need for permanency. Such permanency plan may include the goal of: (1) Revocation of commitment and subsequent placement of the child with the parent or guardian, (2) transfer of guardianship, (3) permanent placement with a relative, (4) adoption, or (5) such other planned permanent living arrangement ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interest of the child for the permanency plan to include the goals set forth in subdivisions (1) to (4), inclusive, of this subsection. Such other planned permanent living arrangement may include, but not be limited to, placement of the child in an independent living program. At any such permanency hearing, the court shall also

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- determine whether the Commissioner of Children and Families has
 made reasonable efforts to achieve the goals in the permanency plan.
- Sec. 3. Section 46b-149f of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):
- 218 (a) When a child [whose family] who has been adjudicated as a 219 child from a family with service needs in accordance with section 46b-220 149 of the 2008 supplement to the general statutes, as amended by this 221 act, violates any valid order which regulates future conduct of the 222 child made by the court following such an adjudication, a probation 223 officer, on receipt of a complaint setting forth facts alleging such a 224 violation, or on the probation officer's own motion on the basis of his 225 or her knowledge of such a violation, may file a petition with the court 226 alleging that the child has violated a valid court order and setting forth 227 the facts claimed to constitute such a violation. Service shall be made 228 in the manner as set forth for a summons in subsection (d) of section 229 46b-149 of the 2008 supplement to the general statutes, as amended by 230 this act. The child shall be entitled to representation by counsel and an 231 evidentiary hearing on the allegations contained in the petition. [Upon 232 a finding by the If the court finds, by clear and convincing evidence, 233 that the child has violated a valid court order, the court may (1) order the child to remain in such child's home or in the custody of a relative 234 235 or any other suitable person, subject to the supervision of a probation 236 officer or an existing commitment to the Commissioner of Children 237 and Families, (2) upon a finding that there is no less restrictive 238 alternative appropriate to the needs of the child and the community, 239 enter an order that directs or authorizes a peace officer or other 240 appropriate person to place the child in a staff-secure facility under the 241 auspices of the Court Support Services Division for a period not to 242 exceed forty-five days, with court review every fifteen days to consider 243 whether continued placement is appropriate, at the end of which 244 period the child shall be returned to the community and may be 245 subject to the supervision of a probation officer, or (3) order that the

child be committed to the care and custody of the Commissioner of Children and Families for a period not to exceed eighteen months and that the child cooperate in such care and custody.

(b) When a child [whose family] who has been adjudicated as a child from a family with service needs in accordance with section 46b-149 of the 2008 supplement to the general statutes, as amended by this act, is under an order of supervision or an order of commitment to the Commissioner of Children and Families and believed to be [at risk of immediate] in imminent risk of physical harm from the child's surroundings or other circumstances, a probation officer, on receipt of a complaint setting forth facts alleging such risk, or on the probation officer's own motion on the basis of his or her knowledge of such risk, may file a petition with the court alleging that the child is [at risk of immediate] in imminent risk of physical harm and setting forth the facts claimed to constitute such risk. Service shall be made in the manner as set forth for a summons in subsection (d) of section 46b-149 of the 2008 supplement to the general statutes, as amended by this act. If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition, or subsequent thereto, that there is probable cause to believe that (1) the child is in imminent risk of physical harm from the child's surroundings, (2) as a result of such condition, the child's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's safety, and (3) there is no less restrictive alternative available, the court shall enter an order [directing the placement of] that directs or authorizes a peace officer or other appropriate person to place the child in a staff-secure facility under the auspices of the Court Support Services Division for a period not to exceed forty-five days, subject to subsection (c) of this section, with court review every fifteen days to consider whether continued placement is appropriate, at the end of which period the child shall either be (A) returned to the community for appropriate services, subject to the supervision of a probation officer or an existing commitment to the Commissioner of Children and Families, or (B) committed to the Department of Children and

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- Families for a period not to exceed eighteen months <u>if a hearing has</u>
- 281 been held and the court has found, based on clear and convincing
- 282 evidence, that (i) the child is in imminent risk of physical harm from
- 283 the child's surroundings, (ii) as a result of such condition, the child's
- 284 <u>safety is endangered and removal from such surroundings is necessary</u>
- 285 to ensure the child's safety, and (iii) there is no less restrictive
- 286 <u>alternative available</u>. Any such child shall be entitled to the same
- 287 procedural protections as are afforded to a delinquent child.
- 288 (c) No child shall be held prior to a hearing on a petition under this
- 289 section for more than twenty-four hours, excluding Saturdays,
- 290 Sundays and holidays. For the purposes of this section, "staff-secure
- 291 facility" means a residential facility (1) that does not include
- 292 construction features designed to physically restrict the movements
- and activities of juvenile residents who are placed therein, (2) that may
- 294 establish reasonable rules restricting entrance to and egress from the
- 295 facility, and (3) in which the movements and activities of individual
- 296 juvenile residents may, for treatment purposes, be restricted or subject
- 297 to control through the use of intensive staff supervision.
- Sec. 4. Section 7-36 of the general statutes is amended by adding
- subdivisions (16) and (17) as follows (*Effective October 1, 2008*):
- 300 (NEW) (16) "Stillbirth" means an unintended, intrauterine fetal
- 301 death occurring in this state after a gestational age of not less than
- 302 twenty completed weeks in which there is no attempt at respiration, no
- 303 action of heart and no movement of voluntary muscle.
- 304 (NEW) (17) "Certificate of birth resulting in stillbirth" means a
- 305 certificate issued to record the birth of a stillborn child.
- Sec. 5. Subsection (c) of section 7-51 of the general statutes is
- 307 repealed and the following is substituted in lieu thereof (Effective
- 308 *October* 1, 2008):
- 309 (c) (1) The registrar of the town in which the birth or fetal death

310 occurred or of the town in which the mother resided at the time of the 311 birth or fetal death, or the department, may issue a certified copy of the 312 certificate of birth or fetal death of any person born in this state which 313 is kept in paper form in the custody of the registrar. Such certificate 314 shall be issued upon the written request of an eligible party listed in 315 subsection (a) of this section. Any registrar of vital statistics in this 316 state with access, as authorized by the department, to the electronic 317 vital records system of the department may issue a certified copy of 318 the electronically filed certificate of birth or fetal death of any person 319 born in this state upon the written request of an eligible party listed in 320 subsection (a) of this section.

- (2) (A) The department shall issue, upon request of a parent, a certificate of birth resulting in stillbirth. Such certificate shall include the statement: "This certificate is not proof of live birth." The department shall prescribe the form and content of a certificate of birth resulting in stillbirth and shall prescribe the application form for such certificate.
- 327 (B) A parent may provide a name for a stillborn child on the 328 application for such certificate. If the requesting parent does not wish 329 to provide a name, the department shall indicate on the certificate the name "baby boy" or "baby girl" and the last name of the parent. A 330 parent may request the department to issue a certificate of birth 331 332 resulting in stillbirth at any time without regard to the date on which 333 the fetal death certificate was issued, except as provided in subsection 334 (d) of this section.
- (C) The department shall not use a certificate of birth resulting in 335 336 stillbirth to calculate live birth statistics.
- 337 (D) The issuance of a certificate of birth resulting in stillbirth, 338 pursuant to this subsection, may not be used to establish, bring or 339 support a civil cause of action seeking damages against any person or 340 entity for bodily injury, personal injury or wrongful death for a 341 stillbirth.

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- 342 (E) The commissioner may adopt regulations, in accordance with chapter 54, to implement this subdivision. 343
 - Sec. 6. (Effective July 1, 2008) (a) The Department of Education shall establish, within available appropriations, a pilot truancy reduction program to provide grants to at least three, but no more than five, school districts that the department determines have the greatest number of pupils found to be a child from family with service needs, as defined in section 46b-120 of the 2008 supplement to the general statutes, because the child is truant or habitually truant.
 - (b) The pilot truancy reduction program shall provide for the establishment in each participating school of a school-based prevention team for the purpose of addressing the needs of truant students. Such team shall include the school principal or other administrator, school psychologist or social worker, school nurse, regular education teacher and special education coordinator, except that (1) the parent or other person having control of the truant student shall be included in the team for any student from kindergarten to grade six, inclusive, and (2) a school may utilize any team established to address the needs of truant students that was in existence prior to July 1, 2008.
 - (c) The pilot truancy reduction program shall be established in accordance with the recommendations of the Families with Service Needs Advisory Board contained in the report submitted to the General Assembly dated February, 2008.
 - (d) With respect to any grant provided under this section, the department shall, within available appropriations, provide assistance and evaluate the effectiveness of such grants.
- 369 (e) The department shall assign, within available appropriations, 370 full-time department staff to provide assistance pursuant to subsection 371 (d) of this section and to work in consultation with the Connecticut 372 Consortium on School Attendance to coordinate state-wide efforts to

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- increase school attendance.
- Sec. 7. (Effective July 1, 2008) The Commissioner of Education shall
- 375 provide grants, within available appropriations, to youth service
- 376 bureaus with active juvenile review boards to enable such youth
- 377 service bureaus to provide additional services to children from families
- 378 with service needs. Such grants shall be allocated to youth service
- 379 bureaus in four judicial districts.
- Sec. 8. (Effective July 1, 2008) The Judicial Department shall establish,
- 381 within available appropriations, a community-based pilot program in
- 382 Hartford, Bridgeport, New Haven and Waterbury to provide
- 383 additional employment and educational services for youth eligible for
- 384 reentry and diversionary services from the Judicial Department. The
- 385 Judicial Department may contract with nonprofit organizations to
- 386 provide such services.
- Sec. 9. (*Effective from passage*) (a) There is established a task force to
- 388 study the feasibility of establishing a separate court or docket to hear
- matters related to drug offenders under the age of eighteen.
- 390 (b) The task force shall consist of the following members:
- 391 (1) Two appointed by the speaker of the House of Representatives;
- 392 (2) Two appointed by the president pro tempore of the Senate;
- 393 (3) One appointed by the majority leader of the House of
- 394 Representatives;
- 395 (4) One appointed by the majority leader of the Senate;
- 396 (5) One appointed by the minority leader of the House of
- 397 Representatives;
- 398 (6) One appointed by the minority leader of the Senate;
- 399 (7) The chairpersons and ranking members of the joint standing

- committees of the General Assembly having cognizance of matters relating to the judiciary, or their designees;
- 402 (8) The Chief Court Administrator, or the Chief Court 403 Administrator's designee;
- 404 (9) A judge of the superior court for juvenile matters, appointed by 405 the Chief Justice;
- 406 (10) The Chief Public Defender, or the Chief Public Defender's designee;
- 408 (11) The Chief State's Attorney, or the Chief State's Attorney's 409 designee;
- 410 (12) The Commissioner of Children and Families, or the 411 commissioner's designee;
- 412 (13) The Commissioner of Correction, or the commissioner's 413 designee; and
- 414 (14) The Commissioner of Mental Health and Addiction Services, or 415 the commissioner's designee.
- 416 (c) Any member of the task force appointed under subdivision (1),
- 417 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
- of the General Assembly.
- (d) All appointments to the task force shall be made no later than
- 420 thirty days after the effective date of this section. Any vacancy shall be
- filled by the appointing authority.
- (e) The speaker of the House of Representatives and the president
- 423 pro tempore of the Senate shall select the chairpersons of the task force
- 424 from among the members of the task force. Such chairpersons shall
- schedule the first meeting of the task force, which shall be held no later
- 426 than sixty days after the effective date of this section.

- (f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary shall serve as administrative staff of the task force.
 - (g) Not later than January 1, 2009, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 1, 2009, whichever is later.
- Sec. 10. (*Effective July 1, 2008*) The sum of three hundred twenty-five thousand dollars is appropriated to the Department of Education, from the General Fund, for the fiscal year ending June 30, 2009, for the purpose of funding the pilot program established in section 6 of this act.
 - Sec. 11. (*Effective July 1, 2008*) The sum of two hundred fifty-two thousand dollars is appropriated to the Department of Education, from the General Fund, for the fiscal year ending June 30, 2009, for the purpose of providing grants to youth service bureaus pursuant to section 7 of this act.
 - Sec. 12. (*Effective July 1, 2008*) The sum of one million five hundred thousand dollars is appropriated to the Judicial Department, from the General Fund, for the fiscal year ending June 30, 2009, for the purpose of funding the pilot program established in section 8 of this act.

This act shall take effect as follows and shall amend the following sections:			
Section 1	October 1, 2008	46b-148	
Sec. 2	October 1, 2008	46b-149	
Sec. 3	October 1, 2008	46b-149f	
Sec. 4	October 1, 2008	7-36	
Sec. 5	October 1, 2008	7-51(c)	
Sec. 6	July 1, 2008	New section	

Sec. 7	July 1, 2008	New section
Sec. 8	July 1, 2008	New section
Sec. 9	from passage	New section
Sec. 10	July 1, 2008	New section
Sec. 11	July 1, 2008	New section
Sec. 12	July 1, 2008	New section

Statement of Purpose:

To (1) make minor revisions to the family with service needs statutes in accordance with the recommendations of the Family with Service Needs Advisory Board, (2) establish pilot programs and provide funding in accordance with the recommendations of said board, (3) permit a parent to request from the Department of Public Health a certificate of birth resulting in stillbirth, (4) establish a community-based pilot program to provide additional reentry and diversionary services for youth, and (5) study the feasibility of establishing a separate drug court for offenders under the age of eighteen.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]